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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,093	03/04/2002	Neall W. Humphrey	15849.118	4307

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EXAMINER

NEILS, PEGGY A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 06/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,093

Applicant(s)

HUMPHREY ET AL.

Examiner

Peggy A. Neils

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/4/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 2, "second ring" needs to be changed to --ring assembly--. In Claim 7, "lower" should be deleted unless Applicant wants to positively set forth an orientation/location for the ring assembly.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-16, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu 6,523,981.

Wu shows a lamp shade assembly which includes an upper ring 1, a ring assembly 21 and 22, a shade cover 4 and a support 3 comprising shafts 31 and a cross-member 32. Shafts 31 are formed with a slight curve and cross-member 32 approximates the same radius as the upper ring. The lower end of the shaft does not have a cross-member but instead has a fastening section 33. The

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top portion of the shaft 32 is disclosed as being propped between the top ring 1 and bottom ring

2. As shown in Figure 3, the frame assembly is collapsible. The lower ring assembly comprises two rings 21 and 22 secured together to form a groove 221 which receives the fastening section 33 of the support shaft. As shown in Figure 2A, the inner ring 21 is not located in the same plane 22 as the outer ring. The frame also includes means 12/121 for attaching the lamp shade assembly to a lamp. In the absence of any unobvious or unexpected results whether the support 3 has one or two shafts and one or two cross-members is a matter of design choice. The completed assembly accomplishes the same desired result of a collapsible lamp shade assembly as the claimed invention.

5. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu 6,523,981 as applied to claims 1 and 10 above, and further in view of Stadler.

Stadler teaches that it is known in the art to have a support shaft for a lamp shade assembly which is straight. It would have been obvious to one skilled in the art that the shafts of Wu could be formed with a straight orientation in the same manner as taught by Stadler because both references are directed to lamp shade assemblies.

6. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu 6,540,383.

Wu shows a lamp shade assembly which includes a support 3 comprising a pair of curved members 32 propped between an upper ring 1 and a lower ring 2. The curved portions 32 of the

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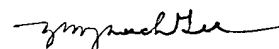
support approximate the same radius as the upper and lower rings. To rotate the support into position is matter of design choice.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu 6,540,383 as applied to claim 19 above, and further in view of Stadler.

Stadler teaches that it is known in the art to have a straight support shaft for a lamp shade assembly. It would have been obvious to one skilled in the art that Wu could be modified to have a straight support shaft in the same manner as taught by Stadler because both references are directed to a lamp shade assembly.

Conclusion

8. Any questions regarding this Office action should be directed to Examiner Neils at (703) 308-6554.


Y. MY QUACH-LEE
PRIMARY EXAMINER